

SUBJECT:	Appointment of Independent Persons
REPORT OF:	Monitoring Officer
RESPONSIBLE OFFICER	Joanna Swift
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WARD/S AFFECTED	None

1. Purpose of Report

This report advises the Committee on the requirements for appointing Independent Persons and the terms of office of existing appointees.

RECOMMENDATION

1. That the Committee agree the revised role description for Independent Persons attached at Appendix 1.

2. That Full Council be recommended to extend the terms of office of the Council's current Independent Persons, Mrs Caroline Langley and Mr David Gleen, for a further 2 years until 10 July 2019.

2. Reasons for Recommendations

The appointment of two Independent Persons is an agreed part of the Council's standards framework and provides resilience in case of illness or other absence. There is also a new mandatory requirement introduced by the Employment Procedure Amendment Regulations 2015 to invite at least two Independent Persons to join a panel set up to consider the dismissal of statutory officers. Mrs Langley and Mr Gleen were appointed for a term of 5 years in July 2012 and have received training on the role. The process for recruiting new independent persons requires the Council to advertise this role in the local press which is costly and recent experience at SBDC is that interest from the public is very low. Extending the terms of office of the current appointees will ensure that the Council continues to have experienced independent persons in place and provide flexibility to deal with any changes arising from proposals to modernise local government in Buckinghamshire.

3. Content of Report

- 3.1 Under the Localism Act 2011 an Independent Person must be appointed through a process of public advertisement, submission of an application and approval by a positive vote of a majority of all members of the Council – i.e. by full Council. To be considered 'independent' an applicant must not be, or have been within the previous 5 years, an elected or co-opted member or an officer of the District Council or any Parish or Town Council in the area, or of any committee or sub-committee of the District Council or any Parish/Town Council, or, be a relative or close friend of a current elected or co-opted member or an officer of the District Council or any Parish/town Council in the area

- 3.2 The Council undertook this process in 2012 and appointed Mrs Caroline Langley and Mr David Gleen as Independent Persons for a term of 5 years from July 2012. The Council also agreed that Independent Person would be paid an allowance of £200, together with reimbursement of any travelling expenses incurred whilst exercising their role. Both Mrs Langley and Mr Gleen have attended specialist training provided by Hoey Ainscough through the Council's subscription to Standards Exchange.
- 3.3 Since these appointments were made in 2012 the government has introduced a new mandatory requirement for Independent Persons to be involved in the dismissal procedure for statutory officers. The Council's Employment Procedure Rules have been updated to reflect this requirement but it is also necessary to include this in the Independent Person's role description and an updated version is attached at Appendix 1 for approval.
- 3.4 The terms of office of the current Independent Persons will expire shortly and to ensure that the Council complies with its statutory requirements as well as provisions in the adopted Complaints Procedure, it is necessary to either start a recruitment process to appoint new Independent Persons or agree to extend the terms of office of the current post holders. The recruitment process prescribed in the Localism Act requires the Council to advertise the role in the local press which is costly. Furthermore experience from a recent recruitment process at SBDC is that interest from the public is currently very low. Therefore, the option of extending the terms of office of the current appointees has also been considered. This does raise an issue about maintaining a degree of independence from the Council but an extension of 2 years (as opposed to a further 5 year term) is considered to be acceptable. Additionally with current uncertainty around proposals for modernising local government in Buckinghamshire, an extension of 2 years would maintain flexibility for any future authority/ies.

4. Consultation

Not applicable.

5. Options

The Committee has the option of advertising the upcoming vacancies and selecting new applicants to fill these roles or extending the terms of office of the existing appointees. In terms of ensuring that appointees retain a degree of independence, it is suggested that any extension be for no longer than 2 years.

6. Corporate Implications

Financial – As set out in the report

Legal – As set out in the report

Risks issues – The Council would be in breach of its statutory duty if it had no Independent Person available to advise on members complaints. It is also now a requirement under the Employment Procedure Amendment Regulations 2015 for the Council to invite at least two Independent Persons to take part in the panel considering the dismissal of statutory officers.

Equalities - The Council's policies on equalities would be followed in any recruitment process for new Independent Persons

7. Links to Council Policy Objectives

Whilst there are no direct links to the Council’s main policy objectives, it has a duty under the Localism Act to have arrangements in place to deal with allegations that members may have breached the code of conduct. The effective use of Independent Persons as part of this process is a matter of good governance and is important in preserving the confidence of local communities.

8. Next Steps

Any new appointments or extensions of existing appointments would be referred to Full Council for approval.

Background Papers:	None except those referred to in the report.
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